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1331-CC01320 - MARVIN GOTHARD V GANNETT SATELLITE INFORMATION NET (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/Execution
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All Entries

07/06/2015

☐ Filing:

Certificate of Officer and Statement of Deposition Charges filed for Mark Miller / JH

☐ Filing:

Certificate of Officer and Statement of Deposition Charges filed for Jerry Reynolds. /bh

06/30/2015

☐ Amended Motion/Petition Filed

Plaintiffs Second Amended Complaint Ordered Filed. /KC

☐ Motion Granted/Sustained

SCHNEIDER AND GOOCH. PLAINTIFF GRANTED LEAVE TO AMEND AND AMENDMENT DEEMED FILED. DFT TO ANSWER OR PLEAD WITHIN 20 DAYS. POSSIBLE REMOVAL. PULL TO REVIEW IN 20 DAYS. JRB/jlf

Associated Entries: 06/16/2015 - Civil Setting Scheduled

Scheduled For: 06/30/2015; 10:00 AM; JASON R BROWN; Greene

06/29/2015

☐ Civil Motion Hearing Scheduled

06/28/2015

☐ Notice of Hearing Filed

Attyfor PLT Files Plaintiffs Notice of Hearing as to Plaintiffs Motion to Compel set for 06-30-15 at 10:00am. /KC

Filed By: BRETT ALAN SCHNEIDER

On Behalf Of: MARVIN GOTHARD

☐ Other Proposed Document Filed

Atty for PLT Files Plaintiffs Proposed Second Amended Complaint; Exhibit A; Exhibit B; Exhibit C; Electronic Filing Certificate of Service. /KC

Filed By: BRETT ALAN SCHNEIDER

☐ Motion for Leave

Atty for PLT Files Plaintiffs Motion for Leave to Amend; Electronic Filing Certificate of Service. /KC

Filed By: BRETT ALAN SCHNEIDER

06/16/2015

☐ Civil Setting Scheduled

Associated Entries: 06/30/2015 - Motion Granted/Sustained

Scheduled For: 06/30/2015; 10:00 AM; JASON R BROWN; Greene

☐ Hearing Held

SCHNEIDER & GOOCH. (PLAINTIFF MAY SEEK LEAVE TO AMEND AND POSSIBLE REMOVAL) SCHEDULING CONFERENCE RESET TO 06-30-15 AT 10:00AM. JRB/kc

Scheduled For: 06/16/2015; 10:00 AM; JASON R BROWN; Greene

05/15/2015

☐ Notice to Take Deposition

Plaintiff's atty files Notice of Deposition (Mark Miller); Electronic Filing Certificate of Service./NB

Filed By: BRETT ALAN SCHNEIDER

On Behalf Of: MARVIN GOTHARD

☐ Notice to Take Deposition

Plaintiff's atty files Notice of Deposition (Jerry Reynolds); Electronic Filing Certificate of Service./NS
Filed By: BRETT ALAN SCHNEIDER

05/13/2015

☐ Cert Serv Resp Req Prod Doc Th


Plts Atty files Certificate of Written Discovery (Plts Responses to Dfts Second Request for Production) ; Electronic Filing Certificate of Service./bh

Filed By: BRETT ALAN SCHNEIDER

On Behalf Of: MARVIN GOTHARD

05/04/2015

☐ Civil Setting Scheduled

Associated Entries: 06/16/2015 - Hearing Held 

Scheduled For: 06/16/2015; 10:00 AM ; JASON R BROWN; Greene

☐ Hearing/Trial Cancelled

Scheduled For: 07/13/2015; 8:30 AM ; JASON R BROWN; Greene

☐ Hearing/Trial Cancelled

Scheduled For: 07/09/2015; 2:30 PM ; JASON R BROWN; Greene

☐ Hearing/Trial Cancelled

Scheduled For: 06/02/2015; 8:30 AM ; JASON R BROWN; Greene

☐ Hearing/Trial Cancelled

Scheduled For: 05/05/2015; 9:00 AM ; JASON R BROWN; Greene

☐ Motion Granted/Sustained


ALL COUNSEL APPEAR. JURY TRIAL STRUCK AND CONTINUED BY AGREEMENT. SCHEDULING CONFERENCE SET 06/16/15 AT 10:00 AM. DISPOSITIVE MOTION FORTHCOMING. JRB/jlf

Associated Entries: 04/24/2015 - Civil Motion Hearing Scheduled

Scheduled For: 05/04/2015; 9:00 AM ; JASON R BROWN; Greene

04/24/2015

☐ Civil Motion Hearing Scheduled

Associated Entries: 05/04/2015 - Motion Granted/Sustained 

Scheduled For: 05/04/2015; 9:00 AM ; JASON R BROWN; Greene

☐ Amended Notice of Hrng Filed

Atty for DFT Files DFTS Amended Notice of Hearing as to Motion for Extension of Mediation Deadline and Continuance of Trial Setting set for 05-04-15 at 09:00am ; Electronic Filing Certificate of Service. /KC

Filed By: BRYAN ORMSBY WADE

On Behalf Of: GANNETT SATELLITE INFORMATION NETWORK, INC.

☐ Filing:

Certificate of Officer and Statement of Deposition Charges filed of Marvin Gothard. /KC

04/22/2015

☐ Civil Motion Hearing Scheduled

Associated Entries: 05/04/2015 - Hearing/Trial Cancelled

Scheduled For: 05/05/2015; 9:00 AM ; JASON R BROWN; Greene

☐ Notice of Hearing Filed

Atty for DFT Files Notice of Hearing as to Defendants Motion for Extension of Mediation Deadline and Continuance of Trial Setting set for 05-05-15 at 09:00am ; Electronic Filing Certificate of Service. /KC

Filed By: BRYAN ORMSBY WADE

On Behalf Of: GANNETT SATELLITE INFORMATION NETWORK, INC.

☐ Motion for Extension of Time

Motion for Extension of Mediation Deadline and Continuance of Trial Setting; Electronic Filing Certificate of Service.

Filed By: BRYAN ORMSBY WADE


☐ Notice to Take Deposition

Atty for PLT Files Plaintiffs Notice of Deposition of Tom Norton ; Electronic Filing Certificate of Service. /KC

Filed By: BRETT ALAN SCHNEIDER

On Behalf Of: MARVIN GOTHARD

- 03/23/2015 ☐ Certificate of Service
Dft Atty files Certificate of Service (Second Request for Production of Documents and Things to Plt Marvin Gothard) ;
Electronic Filing Certificate of Service./bh
Filed By: GINGER KAY GOOCH
On Behalf Of: GANNETT SATELLITE INFORMATION NETWORK, INC.
- 02/23/2015 ☐ Notice to Take Deposition
Dft Atty files Notice of Deposition Marilyn Gothard; Electronic Filing Certificate of Service./bh
Filed By: GINGER KAY GOOCH
On Behalf Of: GANNETT SATELLITE INFORMATION NETWORK, INC.
- ☐ Notice to Take Deposition
Dft Atty files Notice of Deposition of Marvin Gothard; Electronic Filing Certificate of Service./bh
Filed By: GINGER KAY GOOCH
- 02/13/2015 ☐ Cert Serv Resp Req Prod Doc Th
Dft Atty files Certificate of Service (Dfts Answers and Objections to Plts Second Set of Interrogatories, Dfts Responses to Plts
Second Requests for Admission and Dfts Responses to Plts Second Request for Production); Electronic Filing Certificate of
Service./bh
Filed By: GINGER KAY GOOCH
On Behalf Of: GANNETT SATELLITE INFORMATION NETWORK, INC.
- ☐ Cert Serv Resp Req Admission
Dft Atty Files Certificate of Service (Dfts Answers and Objections to Plts Second Set of Interrogatories, Dfts Responses to Plts
Second Requests for Admission and Dfts Responses to Plts Second Request for Production); Electronic Filing Certificate of
Service./bh
Filed By: GINGER KAY GOOCH
- ☐ Cert Serv Answers Interrog Fil
Dft Atty files Certificate of Service (Dfts Answers and Objections to Plts Second Set of Interrogatories, Dfts Responses to Plts
Second Requests for Admission, Dfts Responses to Plts Second Request for Production); Electronic Filing Certificate of
Service./bh
Filed By: GINGER KAY GOOCH
- 11/18/2014 ☐ Jury Trial Scheduled
Associated Entries: 05/04/2015 - Hearing/Trial Cancelled
Scheduled For: 07/13/2015; 8:30 AM ; JASON R BROWN; Greene
- ☐ Pre-trial Conference Scheduled
Associated Entries: 05/04/2015 - Hearing/Trial Cancelled
Scheduled For: 07/09/2015; 2:30 PM ; JASON R BROWN; Greene
- ☐ Civil Setting Scheduled
Associated Entries: 05/04/2015 - Hearing/Trial Cancelled
Scheduled For: 06/02/2015; 8:30 AM ; JASON R BROWN; Greene
- ☐ Hearing Held
B. SCHNEIDER AND B. WADE. JURY TRIAL SET 07-13-15 AT 8:30 AM (3 DAYS). PRE-TRIAL CONFERENCE SET 07-09-
15 AT 2:30 PM. DOCKET CALL SET 06-02-15 AT 8:30 AM. MEDIATION ORDERED COMPLETED BY 05-31-15. JRB/jlf
- ☐ Hearing Held
B. SCHNEIDER AND S. ROSENFELDER. ARGUMENT HEARD AND RULINGS MADE ON DISCOVERY OBJECTIONS.
JRB/jlf
Scheduled For: 11/18/2014; 10:00 AM ; JASON R BROWN; Greene
- 11/17/2014 ☐ Supplemental Filing
Plt atty files Supplement to Motion to Compel; Electronic Filing Certificate of Service./bh
Filed By: BRETT ALAN SCHNEIDER
On Behalf Of: MARVIN GOTHARD
- 10/29/2014 Civil Motion Hearing Scheduled

- ☐ Associated Entries: 11/18/2014 - Hearing Held 
Scheduled For: 11/18/2014; 10:00 AM ; JASON R BROWN; Greene
- ☐ Notice of Hearing Filed
Plt atty files Notice of Hearing as to Plts motion to compel set for November 18, 2014 at 10:00 a.m. ; Electronic Filing Certificate of Service./bh
Filed By: BRETT ALAN SCHNEIDER
On Behalf Of: MARVIN GOTHARD
- 10/02/2014 ☐ Judge/Clerk - Note
ATTY J. SMITH GRANTED LEAVE TO WITHDRAW. JRB/jlf
- 09/22/2014 ☐ Motion to Compel
Plt atty files Motion to Compel discovery and for sanctions; Electronic Filing Certificate of Service./bh
Filed By: BRETT ALAN SCHNEIDER
On Behalf Of: MARVIN GOTHARD
- 09/12/2014 ☐ Cert Serv Resp Req Prod Doc Th
Dft atty files Certificate of Service (Dft Gannett Satellite Information Network, Incs answers and objections to Plts interrogatories; Dft Gannett Satellite Information Network, Incs responses to Plts requests for admission; Dft Gannett Satellite Information Network, Incs responses to Plts request for production.) ; Electronic Filing Certificate of Service./bh
Filed By: GINGER KAY GOOCH
On Behalf Of: GANNETT SATELLITE INFORMATION NETWORK, INC.
- ☐ Cert Serv Resp Req Admission
Dft atty files Certificate of Service (Dft Gannett Satellite Information Network Incs answers and objections to Plts interrogatories; Dft Gannett Satellite Information Network Incs responses to Plts request for production); Electronic Filing Certificate of Service./bh
Filed By: GINGER KAY GOOCH
- ☐ Cert Serv Answers Interrog Fil
Dft atty files Certificate of Service (Dft Gannett Satellite Information Network Incs answers and objections to Plts interrogatories; Dft Gannett Satellite Information Network Incs responses to Plts requests for admission; Dft Gannett Satellite Information Network Incs responses to Plts request for production.) ; Electronic Filing Certificate of Service./bh
Filed By: GINGER KAY GOOCH
- 08/13/2014 ☐ Certificate of Service
Attorney for Plaintiff Files Certificate of Service (Plaintiff's Interrogatories, Requests for Production and Requests for Admissions); Electronic Filing Certificate of Service./cjb
Filed By: BRETT ALAN SCHNEIDER
On Behalf Of: MARVIN GOTHARD
- 06/17/2014 ☐ Cert Serv Req Prod Docs Things
DFT ATTY FILES CERTIFICATE OF SERVICE (FIRST INTERROGATORIES TO PLT MARVIN GOTHARD AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS TO PLT MARVIN GOTHARD)/SAV
Filed By: GINGER KAY GOOCH
On Behalf Of: GANNETT SATELLITE INFORMATION NETWORK, INC.
- ☐ Cert Serv of Interrog Filed
DFT ATTY FILES CERTIFICATE OF SERVICE (FIRST INTERROGATORIES TO PLT MARVIN GOTHARD AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS TO PLT MARVIN GOTHARD)/SAV
Filed By: GINGER KAY GOOCH
- 06/11/2014 ☐ Motion to Withdraw
Dft atty files Motion to Withdraw; Electronic Filing Certificate of Service./bh
Filed By: JASON CLARKE SMITH
On Behalf Of: GANNETT SATELLITE INFORMATION NETWORK, INC.
- ☐ Answer Filed
Atty for DFT files Answer to First Amended Compliant. /KC

Filed By: BRYAN ORMSBY WADE

☐ Entry of Appearance Filed

Atty for DFT files Entry of Appearance; Electronic Filing Certificate of Service. /KC

Filed By: BRYAN ORMSBY WADE

On Behalf Of: GANNETT SATELLITE INFORMATION NETWORK, INC.

☐ Entry of Appearance Filed

Atty for DFT files Entry of Appearance; Electronic Filing Certificate of Service. /KC

Filed By: GINGER KAY GOOCH

On Behalf Of: GANNETT SATELLITE INFORMATION NETWORK, INC.

05/22/2014

☐ Order - Denied

COURT REVIEWS FURTHER CORRESPONDENCE AND CASELAW. MOTION TO DISMISS COUNT II IS NOW DENIED.
DFT TO ANSWER WITHIN 20 DAYS. JRB/jlf

Scheduled For: 05/16/2014; 8:00 AM; JASON R BROWN; Greene

05/14/2014

☐ Filing of Briefs

ATTY FOR PLT FILES CORRESPONDENCE TO JUDGE BROWN; Jennings case; Matthews case; Electronic Filing Certificate of Service. SENT TO COURT FOR REVIEW ON 05/14/2014. /AJD

Filed By: BRETT ALAN SCHNEIDER

On Behalf Of: MARVIN GOTHARD

05/06/2014


☐ Hearing Held

SMITH & SCHNEIDER. ARGUMENT HEARD. MATTER TAKEN UNDER ADVISMENT. PULL TO REVIEW IN 10 DAYS.
COUNSEL MAY PROVIDE CASELAW/ FURTHER SUBMISSIONS. JRB/NB

Scheduled For: 05/06/2014; 10:00 AM; JASON R BROWN; Greene

04/03/2014

☐ Civil Motion Hearing Scheduled

Associated Entries: 05/06/2014 - Hearing Held 

Scheduled For: 05/06/2014; 10:00 AM; JASON R BROWN; Greene

☐ Notice of Hearing Filed

DFT ATTY FILES NOTICE OF HEARING AS TO DFT, GANNETT SATELLITE INFORMATION NETWORK, INC SET FOR THE MOTION TO DISMISS COUNT II OF PLT'S FIRST AMENDED COMPLAINT AND SUGGESTIONS IN SUPPORT SET FOR MAY 6, 2014 AT 10:00 A.M. /BH

Filed By: JASON CLARKE SMITH

On Behalf Of: GANNETT SATELLITE INFORMATION NETWORK, INC.

03/18/2014

☐ Response Filed

PLT ATTY FILES PLT'S RESPONSE TO DFT'S SECOND MOTION TO DISMISS. /BH

Filed By: BRETT ALAN SCHNEIDER

On Behalf Of: MARVIN GOTHARD

02/25/2014

☐ Motion to Dismiss

Dft Atty Files Motion to Dismiss Count II of Plaintiffs First Amended Complaint and Suggestions in Support; Electronic Filing Certificate of Service. /BH

Filed By: JASON CLARKE SMITH

On Behalf Of: GANNETT SATELLITE INFORMATION NETWORK, INC.

02/19/2014

☐ Amended Motion/Petition Filed

Plt Atty Files Plaintiff's First Amended Complaint; Exhibit A; Exhibit B; Electronic Filing Certificate of Service. /laa

Filed By: BRETT ALAN SCHNEIDER

On Behalf Of: MARVIN GOTHARD

02/04/2014

☐ Dismissed

JUDGMENT: COURT REVIEWS THE PETITION; SUGGESTIONS; CASELAW AND EXHIBIT "B". COURT NOTES THE ONLY ALLEGED MISREPRESENTATION IN THE PETITION IS THAT DEFENDANT STATED THE ROUTE WOULD BE COVERED. THERE IS NO ALLEGATION THAT SAID STATEMENT WAS FALSE AND EXHIBIT "B" DOES NOT INDICATE OTHERWISE. THUS, AS PLEAD, THERE IS NO MATERIAL MISREPRESENTATION ALLEGED THAT IS SEPARATE AND

INDEPENDENT FROM THE BREACH OF CONTRACT PLAINTIFF CLAIMS. MOTION TO DISMISS COUNT II IS SUSTAINED, BUT PLAINTIFF MAY SEEK TO AMEND WITHIN 15 DAYS. JRB/jlf


☐ Cause Taken Under Advisement

SMITH AND SCHNEIDER. ARGUMENT HEARD. MATTER TAKEN UNDER ADVISEMENT. JRB/jlf

Associated Entries: 01/21/2014 - Civil Motion Hearing Scheduled
Scheduled For: 02/04/2014; 8:45 AM ; JASON R BROWN; Greene

01/21/2014

☐ Civil Motion Hearing Scheduled

Associated Entries: 02/04/2014 - Cause Taken Under Advisement 
Scheduled For: 02/04/2014; 8:45 AM ; JASON R BROWN; Greene

☐ Note to Clerk eFiling

Filed By: JASON CLARKE SMITH

☐ Amended Notice of Hrng Filed

DFT ATTY FILES AMENDED NOTICE OF HEARING AS TO THE MOTION TO DISMISS COUNT II AND SUGGESTIONS IN SUPPORT SET FOR FEBRUARY 4, 2014 AT 8:45 A.M. /BH

Filed By: JASON CLARKE SMITH
On Behalf Of: GANNETT SATELLITE INFORMATION NETWORK, INC.

01/07/2014

☐ Civil Motion Hearing Scheduled

☐ Notice of Hearing Filed

DFT ATTY FILES NOTICE OF HEARING AS TO THE MOTION TO DISMISS COUNT II AND SUGGESTIONS IN SUPPORT SET FOR JANUARY 22, 2014 AT 9:00 A.M. /BH

Filed By: JASON CLARKE SMITH

01/01/2014

☐ Response Filed

Plt Atty Files Response to Motion to Dismiss; Electronic Filing Certificate of Service. /laa

Filed By: BRETT ALAN SCHNEIDER
On Behalf Of: MARVIN GOTHARD

12/06/2013

☐ Answer Filed

Dft Atty Files Answer to Plaintiffs Original Complaint; Electronic Filing Certificate of Service./laa

Filed By: JASON CLARKE SMITH
On Behalf Of: GANNETT SATELLITE INFORMATION NETWORK, INC.

☐ Motion to Dismiss

Dft Atty Files Motion to Dismiss Count II and Suggestions in Support; Electronic Filing Certificate of Service. /laa

Filed By: JASON CLARKE SMITH
On Behalf Of: GANNETT SATELLITE INFORMATION NETWORK, INC.

11/15/2013

☐ Corporation Served

Document ID - 13-SMCC-2977; Served To - GANNETT SATELLITE INFORMATION NETWORK, INC.; Server - SO ST LOUIS COUNTY-CLAYTON; Served Date - 08-NOV-13; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - BY LEAVING WITH R/A

10/10/2013

☐ Summons Issued-Circuit

Document ID: 13-SMCC-2977, for GANNETT SATELLITE INFORMATION NETWORK, INC.. Summons saved and attached in PDF form for Attorney to retrieve from secure case.net./ME

10/09/2013

☐ Filing Info Sheet eFiling

Filed By: BRETT ALAN SCHNEIDER

☒ Note to Clerk eFiling

Filed By: BRETT ALAN SCHNEIDER

☐ Pet Filed in Circuit Ct

Atty for Plt files Plaintiff s Original Complaint; Exhibit B; Exhibit A. /ME

On Behalf Of: MARVIN GOTHARD

☐ Judge Assigned

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Released 06/24/2015

**FILED
06-30-15
CIRCUIT CLERK
GREENE COUNTY**

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

Marvin Gothard,
Plaintiff,

v.

Gannett Satellite Information
Network, Inc.,
Defendant.

)
)
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)
)
)
)

Case No. 1331-CC01320

PLAINTIFF'S SECOND AMENDED COMPLAINT

COMES NOW, Marvin Gothard, Plaintiff, by and through counsel, Brett A. Schneider, and for his Second Amended Complaint states:

PARTIES

1. Plaintiff, Marvin Gothard, is an individual residing at 309 Winddancer, Ozark, Missouri 65721.
2. Defendant, Gannett Satellite Information Network Inc. ("USA Today"), is a foreign corporation authorized to do business in Missouri and which may be served by serving its registered agent for service of process, CT Corporation System.

JURISDICTION AND VENUE

3. This court has subject matter jurisdiction and venue is proper because the actions giving rise to the cause of action occurred in Greene County, Missouri.

FACTS

4. Plaintiff was an employee of the Defendant.
5. Plaintiff is disabled within the meaning of the Americans with Disabilities Act in that he suffers from heart condition that substantially limits a major life activity.

6. Defendant is a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.
7. Plaintiff is a qualified individual under the Americans with Disabilities Act in that he is an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
8. Plaintiff and Defendant entered into a contract dated April 1, 2013 for the delivery of newspapers, a copy of which contract is attached hereto as Exhibit "A."
9. Plaintiff delivered the newspapers for the Defendant until June 10, 2013.
10. On June 10, 2013, Mr. Gothard was at the drop-off location to pick up the papers for that day's delivery.
11. While at the drop-off location, Mr. Gothard suffered debilitating, life-threatening chest pains related to a heart condition.
12. Marilyn Gothard, Plaintiff's wife, not wanting her husband to be terminated by the Defendant, asked the shift captain, Mark Bowerman, for permission to take Mr. Gothard ("Bud") to the hospital.
13. Mr. Bowerman represented that she had permission to go to the hospital and further represented that Bud's route would be covered.

14. Mr. Bowerman was an agent of the Defendant and had actual or apparent authority to act on behalf of the Defendant.
15. In reliance on these representations, Marilyn Gothard rushed Plaintiff to the hospital.
16. The next morning, at the pick-up location, Bud received a letter dated the day before (June 10, 2013) that he was terminated (see Exhibit "B").
17. Defendant misrepresented that Plaintiff had permission to go to the hospital.

FIRST CAUSE OF ACTION – BREACH OF CONTRACT

18. Defendant breached its contract with the Plaintiff by terminating Mr. Gothard without any notice.
19. Plaintiff suffered damages resulting from Defendant's breach including, but not limited to, lost wages and emotional distress.
20. Defendant's actions were wanton and reckless and Plaintiff is entitled to an award of punitive damages including all attorney's fees incurred by Plaintiff in prosecuting this cause of action.

**SECOND CAUSE OF ACTION – INTENTIONAL
MISREPRESENTATION**

21. Defendant, by and through its shift captain, Mark Bowerman, represented that Plaintiff's delivery route would be covered.
22. Defendant, by and through its shift captain, Mark Bowerman, further represented that Plaintiff had permission to go to the hospital.
23. Mr. Bowerman either knew that these statements were false or was ignorant of their truth.
24. Plaintiff relied on these representations to his detriment by going to the hospital

and by not making alternative arrangements for coverage of the route.

25. As a result of Defendant's misrepresentation and Plaintiff's reliance thereon, Plaintiff suffered damages including, but not limited to, lost wages and emotional distress.
26. Defendant's actions were wanton and reckless and Plaintiff is entitled to an award of punitive damages, including all attorney's fees incurred by Plaintiff in prosecuting this cause.

THIRD CAUSE OF ACTION –

BREACH OF DUTY OF GOOD FAITH AND FAIR DEALING

27. In all contracts for the sale of goods and services there is a presumed duty of good faith and fair dealing.
28. Defendant breached this duty by terminating Mr. Gothard without notice shortly after he was rushed to the hospital with chest pains and after he was assured of his continued employment.
29. As a result of Defendant's breach, Plaintiff suffered damages including but not limited to lost wages and emotional distress.
30. Defendant's actions were wanton and reckless and Plaintiff is entitled to an award of punitive damages, including all attorney's fees incurred by Plaintiff in prosecuting this cause.

FOURTH CAUSE OF ACTION – NEGLIGENT MISREPRESENTATION

28. Mr. Bowerman supplied information to Mr. and Mrs. Gothard in the course of his employment that Mr. Gothard would not be terminated if he went to the hospital.
29. Mr. Bowerman failed to exercise reasonable care or competence in obtaining or communicating this information.

30. The information was false and was intentionally provided by Mr. Bowerman to guide Mr. and Mrs. Gothard, who justifiably relied on the information and suffered a pecuniary loss.
31. As a result of Defendant's misrepresentation and Plaintiff's reliance thereon, Plaintiff suffered damages including, but not limited to, lost wages and emotional distress.
32. Defendant's actions were wanton and reckless and Plaintiff is entitled to an award of punitive damages, including all attorney's fees incurred by Plaintiff in prosecuting this cause.

**FIFTH CAUSE OF ACTION – VIOLATION OF THE AMERICANS WITH
DISABILITIES ACT**

33. Attached hereto as Exhibit "C" is the Notice of Right to Sue letter issued by the EEOC on May 11, 2015 and the EEOC Charge of Discrimination Form submitted by Plaintiff, which fairly and accurately describes the basis for Plaintiff's Fifth Cause of Action, and which charge of discrimination form is incorporated herein as if fully set forth.
35. Plaintiff was wrongfully terminated by Defendant in violation of the Americans with Disabilities Act.
36. Defendant also violated the Americans with Disabilities Act by failing to provide the Plaintiff with a reasonable accommodation to the Plaintiff herein.
37. As a result of Defendant's misrepresentation and Plaintiff's reliance thereon, Plaintiff suffered damages including, but not limited to, lost wages and emotional distress.
38. Defendant's actions were wanton and reckless and Plaintiff is entitled to an award

of punitive damages, including all attorney's fees incurred by Plaintiff in prosecuting this cause.

WHEREFORE, Plaintiff prays that upon final trial he be awarded all relief in law or in equity to which he may be entitled.

Respectfully submitted,

/s/ Brett A. Schneider
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Springfield, MO 65806
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